

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

**November 15, 2004**

**CALL TO PODIUM:**

**Jacqueline Marsh**

**RESPONSIBLE STAFF:**

**Jacqueline Marsh, Associate Planner**

**Mark DePoe, Long Range Planning Director**

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
<b>X</b>	Public Hearing <b>"JOINT"</b>
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/22/2004
	10/27/2004
Hearing Date	11/15/2004
Record Held Open	
Policy Discussion	

**TITLE: Z-298**

Request to Rezone 112,063 Square Feet of Land, Part of What is Currently Known as Parcel 100, in the Oakmont Subdivision, Located at 100 Central Avenue, in the City of Gaithersburg, From the Existing R-90 (Medium Density Residential) Zone to the CD (Corridor Development) Zone

**SUPPORTING BACKGROUND:**

The applicant, Parvis Rashidian, is requesting the rezoning of part of the property (approximately 112,063 square feet) known as Parcel 100, in the Oakmont Subdivision, located behind 603 South Frederick Avenue. The applicant proposes to rezone this portion of the subject property from R-90 (Medium Density Residential) to CD (Corridor Development) and subdivide and consolidate the rezoned area into the existing CD zoned property at 603 South Frederick Avenue. The remaining portion of the lot is to remain in the R-90 zoning district.

Along with the rezoning application, the applicant requests concept plan approval for the proposed CD property per Section 24-160G.6(c) of the Zoning Ordinance. The applicant is proposing to use approximately a quarter of this rezoned land for a parking lot. This will service the existing building at 603 South Frederick Avenue. The property has large protected wetlands and stream buffers providing a significant tree-buffer. At this conceptual stage, the parking lot meets the parking access requirements for the CD Zone.

For applicants seeking to develop, redevelop or improve property zoned CD, without an approved schematic development plan, shall file for approval of either a concept plan or a SDP pursuant to the procedures of Section 24-160G.6. In this case, there is no approved SDP for the property and the applicant has submitted a concept plan. The City Council shall conduct a public hearing and either approve the concept plan, with or without conditions (as part of the rezoning application) or require the applicant to file a schematic development plan pursuant to Section 24-160G.5(b).

Staff is recommending that the Mayor and City Council and Planning Commission hold the record open indefinitely. Please let staff know if the Mayor and City Council and Planning Commission believe that a possible work session is necessary.

**Attachments:**

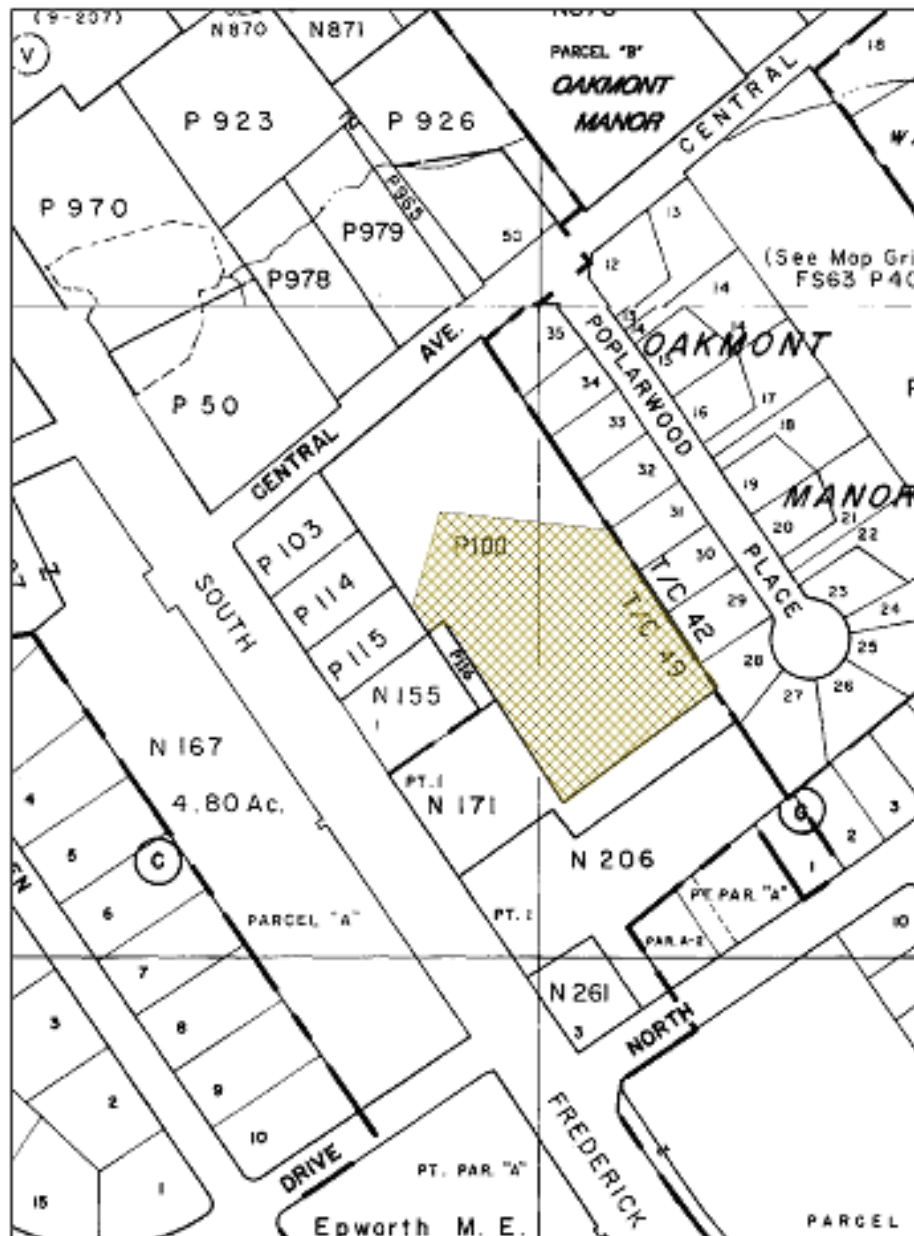
See Index of Memoranda

**DESIRED OUTCOME:**

Hold Public Hearing. Keep Record Open Indefinitely. Provide guidance on work sessions.

# MAYOR & COUNCIL AGENDA COVER SHEET

## LOCATION MAP



Mayor and City Council  
and Planning Commission  
November 15, 2004

**INDEX OF MEMORANDA**  
**Z-298**

Number	Exhibit
1.	Application for Amendment to Zoning Map
2.	Letter, dated September 7, 2004 from Rafik Bazikian
3.	Letter, dated September 7, 2004 from Shawn Tahmassian
4.	Rezoning Application Plat, Sheet One (R-1)
5.	Rezoning Application Plant, Sheet Two (R-2)
6.	Public Hearing notice, sent October 29, 2004 to required parties
7.	Notice to include legal ad for Joint Public Hearing, in the October 22 and October 27 issues of the <i>Gaithersburg Gazette</i>
8.	2003 Master Plan Land Use Element Map Designation 18

# APPLICATION FOR AMENDMENT TO THE ZONING MAP

In accordance with Chapter 24, Article VIII of the City Code

Application No. Z- 2-298  
 Filing Date 9-7-04  
 Fee \$1,050.00 PD  
 PC Hearing \_\_\_\_\_  
 PC Recommendation JPH 11-15-04  
 M & CC Hearing \_\_\_\_\_  
 Decision \_\_\_\_\_  
 Date \_\_\_\_\_

SUBJECT PROPERTY RASHIDIAN ESTATESAddress (if none, the location with respect to streets) 100 Central Ave. Gaithersburg, MD 20877Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision 201

## REQUESTED CHANGE

From the existing R-90 Zone to the CD Zone☐ Optional Method of Development (check if applicable)

\*Note: The optional method is excluded from the RA Zone and the MXD Zone.

APPLICANT(S) VNT CONSTRUCTIONAddress P.O. Box 1254 Great Falls, VA 22066 Telephone 703-850-3209OWNER(S) PARVIZ RASHIDIANAddress 610 Fredrick Ave. Gaithersburg, MD 20877 Telephone 301-721-1400

## TAX ASSESSMENT INFORMATION

As shown on the tax docket of the State Department of Assessment and Taxation, Montgomery County, or on the Montgomery County, Maryland Real Estate Tax Bill.

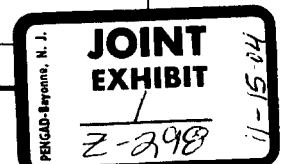
DISTRICT SUBDIVISION	ACCOUNT NUMBER	LOT	BLOCK	ACRES/FEET	SUBDIVISION OR TRACT NAME
9- <u>09</u>	<u>00776184</u>			<u>4.61</u>	<u>201</u>
9-				<u>3.0</u>	
9-					
9-					
9-					
9-					

## ZONING HISTORY

List below the application numbers, date of filing, and actions taken on all applications filed within 3 years prior to this date for the reclassification of the whole or any part of the land above described.

APPLICATION #	DATE FILED	ACTION TAKEN
		<u>None</u>

continued on reverse side



## SUBMISSION REQUIREMENTS

- **Map or plat** prepared by registered surveyor or engineer showing land and existing buildings for which the map amendment is sought, the bordering properties, streets and street names, lot and block designations, north arrow and key map, age and location of existing buildings, property size in acres/square feet. The area which is the subject of the application should be outlined in red. (10 copies)
- **Legal metes and bounds** of property
- **Fee** (see separate schedule)
- **List of names and addresses** of all property owners within 200 feet of any boundary of subject property
- **Statement** demonstrating a change in the neighborhood or a mistake in the Master Plan

### *If Optional Method submit also:*

- **Schematic Development Plan** (which needs to include):
  - Uses of all buildings and structures
  - Location, height, dimensions of all buildings, structures, and parking areas, dimensions of all buildings
  - Location of points of access to site
  - Existing topography (contours of not more than 5-foot intervals) 100-year flood plains, and other natural features
  - Utility Easements
  - Natural Resource Inventory (See Environmental Standards)
- **Proposed Covenant**
- **Statements:**

Applicant proposes to limit uses on the subject parcel to the following:

Parking lot and any other use permitted in C.D.

Applicant has submitted Schematic Development Plan which imposes the following limitations of development standards:

None

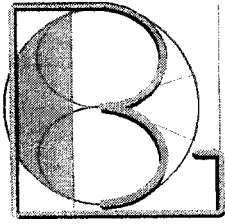
## ADDITIONAL INFORMATION

Within five (5) days after filing the application, the applicant shall erect appropriate signs, posting notice of the requested zoning map amendment public hearing (per Section 24-196e of the City Code). The signs are made available to the applicant from the City staff and must remain posted until thirty (30) days after the decision on the application.

**I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.**

Applicant's Signature D. Tahmassebi Date 9/5/24

Owner's Signature [Signature] Date 9, 7, 2024



**BAZIKIAN**  
CONSULTANTS, LTD  
CIVIL - TRANSPORTATION  
STRUCTURAL ENGINEERS

Phone: 301.593.9755  
Fax: 301.503.0059  
E-Mail [Info@bazikian.com](mailto:Info@bazikian.com)  
[www.bazikian.com](http://www.bazikian.com)

September 7, 2004

City of Gaithersburg  
Mayor And City Council  
31 South Summit Avenue  
Gaithersburg, Maryland 20877

**Re: Rashidian Estate Development Rezoning Request Justification  
(100 Central Avenue)**

Dear Mayor Katz and City Council:

We hereby respectfully request rezoning of parcel of land known as 100 Central Avenue, the current zoning is R-90, we request change of zoning for portion of the lot as shown on attached to be changed to CD to be used as parking lot addition to Macroland.

Our request is based on under current zoning the entire surrounding neighborhood zoning is changed to CD except this parcel. Please correct this oversight and approve the submitted request.

Sincerely;

BAZIKIAN CONSULTANTS, LTD.

Rafik Bazikian, P.E.





**VNT Construction**  
P. O. Box 1254 Great Falls, VA 22066  
Phone: (703) 850-3209 Fax: (703) 709-0200  
Web: <http://www.vntconstruction.com>

September 7, 2004

City of Gaithersburg  
Mayor and City Council  
31 South Summit Avenue Gaithersburg, MD 20877

Re: Rashidian Estate Development Rezoning Request Justification (100 Central Avenue)

Dear Mayor Katz and City Council;

We hereby respectfully request rezoning of parcel of land known as 100 Central Avenue from Residential R-90 zoning to Commercial CD zoning.

This property is located on the Southeast quadrant of S. Fredrick Avenue and Central Avenue and is currently zoned Residential R90. Over the years the character of S. Frederick Avenue has changed from that of Residential to Commercial. This is evident within adjacent blocks to the west of the property, in addition the five years (waiting period) annexation rezoning moratorium has just been completed as of last August since the adaptation of the City zoning ordinance

There has been a change in circumstances since the last comprehensive zoning adaptation, this parcel has satisfied the 5 year waiting period required for rezoning of the annexed property. This rezoning request complies completely with the city's adapted zoning Master Plan.

Your cooperation in this matter is greatly appreciated, if you need any other information, please feel free to contact me at (703) 850-3209.

Sincerely,

Shawn Tahmassian





*Gaithersburg*

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

### NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

*Meeting:* **MAYOR AND CITY COUNCIL MEETING**  
*Application Type:* **ZONING MAP AMENDMENT**  
*File Number:* **Z-298**  
*Location:* **100 CENTRAL AVENUE**  
*Applicant:* **PARVIS RASHIDIAN**  
*Development:* **OAKMONT SUBDIVISION**  
*Day/ Date/Time:* **MONDAY, NOVEMBER 15, 2004, 7:30 P.M.**  
*Place:* **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL  
31 SOUTH SUMMIT AVENUE**

**\*\*\*IMPORTANT\*\*\***

This application requests rezoning of 112,063 square feet of land, part of what is currently known as Parcel 100, in the Oakmont Subdivision, located at 100 Central Avenue, in the City of Gaithersburg, from the existing R-90 (Medium Density Residential) Zone to the CD (Corridor Development) Zone, in accordance with §24-196 (map amendments) of the City Code. Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>.

CITY OF GAITHERSBURG

By: Jacqueline Marsh  
Jacqueline Marsh, Associate Planner  
Planning and Code Administration

**SEE LOCATION MAP ON REVERSE SIDE**





## NOTICES SENT THIS 1<sup>st</sup> DAY OF NOVEMBER TO:

### APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

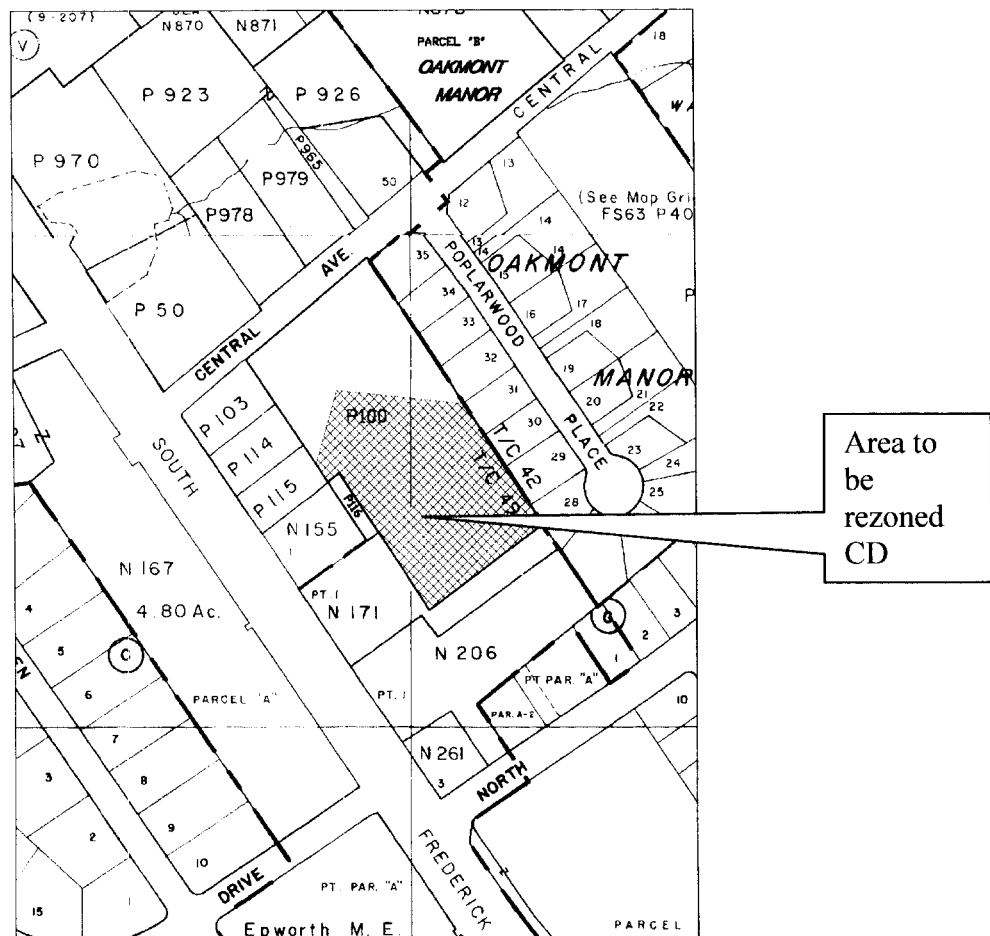
### MAYOR AND COUNCIL

### PLANNING COMMISSION

### CITY STAFF

David B. Humpton, City Manager  
Frederick J. Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
Cathy Borten, City Attorney  
Mary Beth Smith, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

## LOCATION MAP





October 20, 2004

Karey Major, Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **October 22 and 27, 2004**, issues of the *Gaithersburg Gazette*.

Sincerely,

*Jacqueline Marsh*  
Jacqueline Marsh  
Associate Planner

ASSIGN CODE: PHZ-298

### NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on Z-298, filed by Shawn Tahmassian, for Parviz Rashidian, on

**MONDAY  
NOVEMBER 15, 2004  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

This application requests rezoning of 112,063 square feet of land, part of what is currently known as Parcel 100, in the Oakmont Subdivision, located at 100 Central Avenue, in the City of Gaithersburg, from the existing R-90 (Medium Density Residential) Zone to the CD (Corridor Development) Zone, under the Optional Method of rezoning, in accordance with §24-196 (map amendments) and §24-198 (optional method) of the City Code.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Jacqueline Marsh, Associate Planner  
Planning and Code Administration

**Acct# 133649** City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

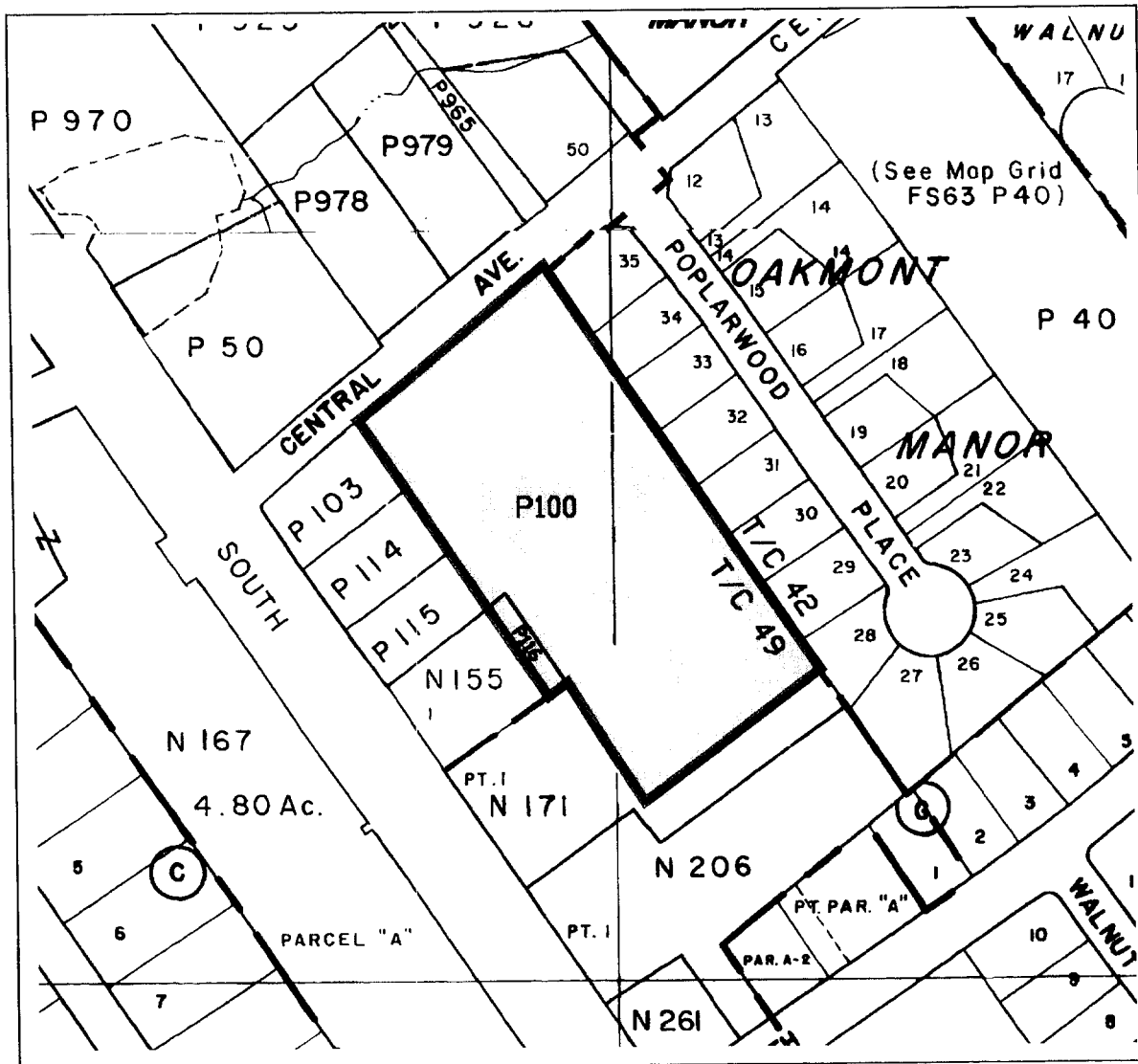
MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley J. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Ann T. Somerset

CITY MANAGER  
David B. Humpton



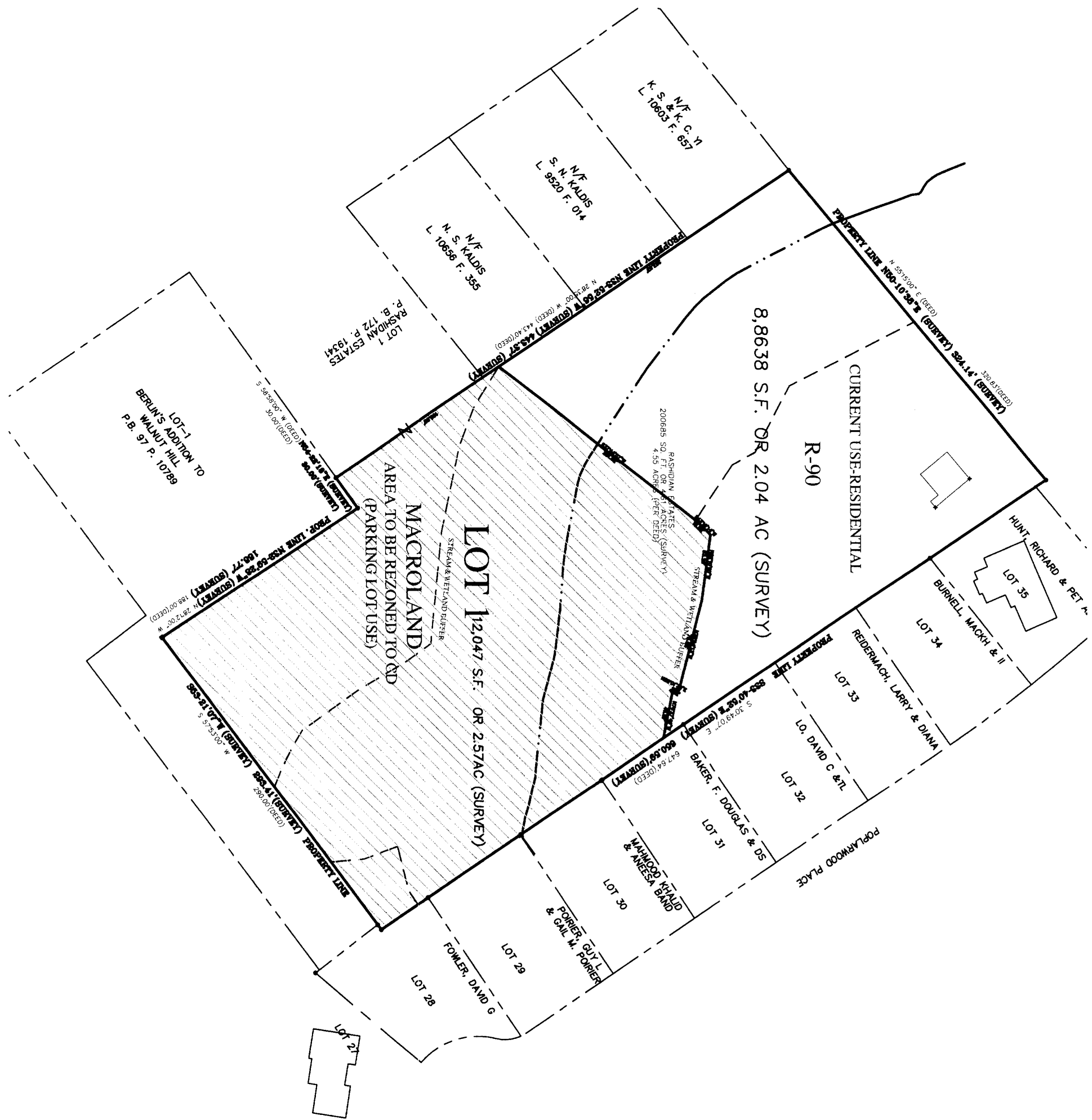
18. Designate Tax Map FS63 Parcel P116 and approximately 1.25 Acres of Tax Map FS63 Parcel P100 as Commercial-Office-Residential. Designate approximately 1.25 Acres of Tax Map FS63 Parcel P100 as Medium-Low Density Residential. Designate the remaining 2.5 Acres of Tax Map FS63 Parcel P100, including the stream valley, as Open Space.



This vacant property was annexed into the City on August 30, 1999 as X-176. The northeast portion of the property has received conceptual approval for three new dwelling units and the retention of an existing home. The portion of the property adjacent to the Macroland building (Parcel N155) is planned to be used as expanded parking for the building Macroland. The annexation agreement prohibits grading and disturbance in the stream valley buffer and a conservation easement will need to be established to ensure the buffer's protection.

### **Land Use and Zoning Actions:**

- Adopt Commercial-Office-Residential land use designation on approximately 1.25 Acres of land adjacent to the Macroland property
- Recommend Zoning change from R-90 to CD for 1.25 Acres adjacent to Macroland property
- Adopt Medium-Low Density Residential land use designation on approximately 1.25 Acres of land adjacent to Central Avenue
- Zoning remains R-90 for 1.25 Acres adjacent to Central Avenue
- Adopt Open Space land use designation on remaining 2.5 Acres of land encompassing the stream valley buffer
- Recommend Zoning change from R-90 to R-A for 2.5 Acres of stream valley and floodplain



AREA OF REQUESTED REZONING TO CD 112,047 SF

LOT AREA TABULATION

1. CURRENT ZONING:	R-90
2. PROPOSED ZONING:	R-90/C-8
3. TOTAL LOT AREA:	4.61 ACRES (200,685 S.F.)
4. RESIDENTIAL R-90 AREA:	8,8638 SF
5. LOT 1 AREA: REQUEST FOR REZONING TO CD:	112,047 SF

PENGAD-Bayonne, N. J.

JOINT  
EXHIBIT  
4  
2-398

11-15-04

DATE	DATE	REVISION
06/10/04		
SCALE		
1"=40'		
DRAWN BY		
D.B.A.		
CHECKED BY		
FILE #		
JOB #		

R-1

REZONING PLAT

SHEET 1 OF 2



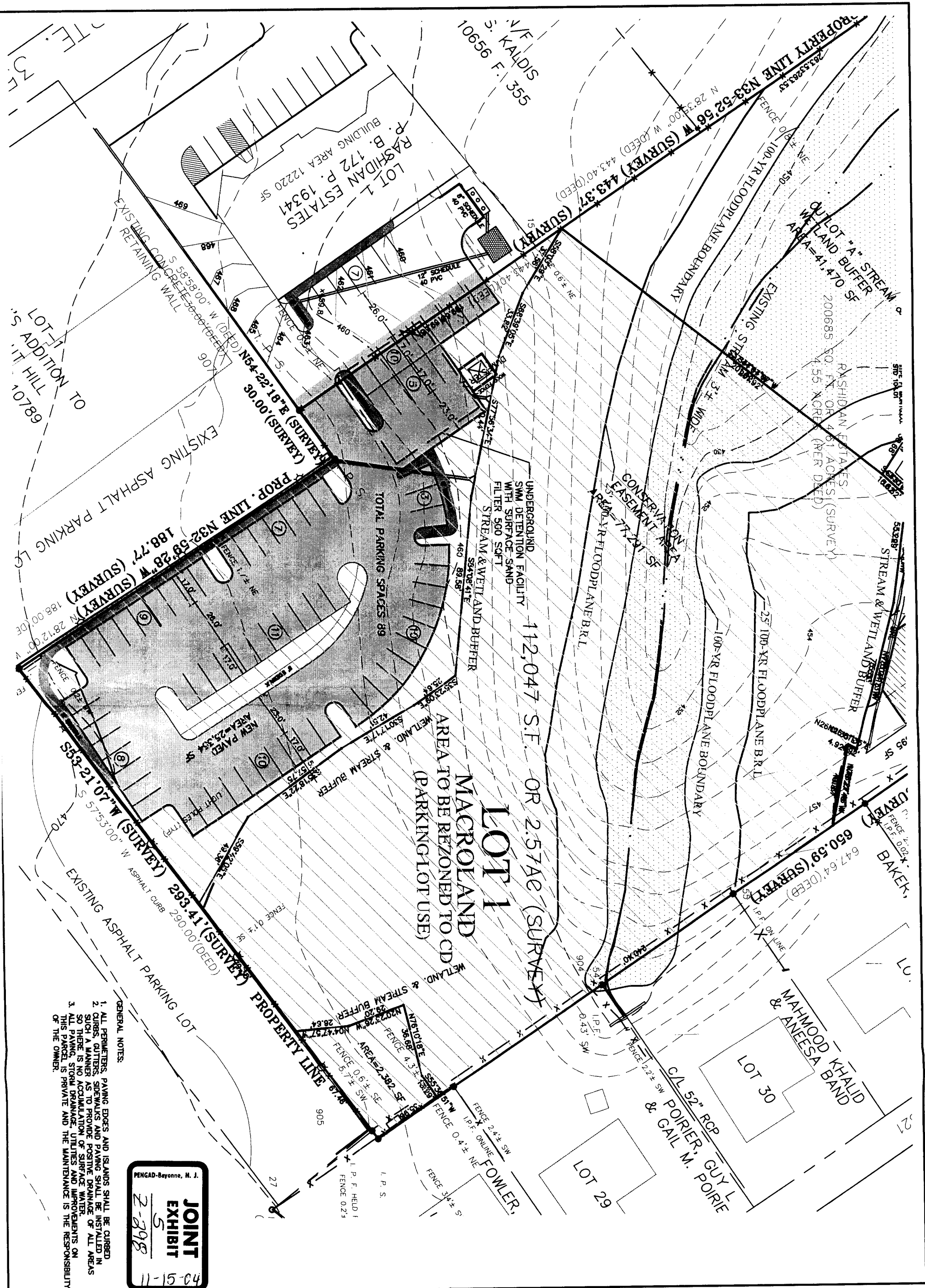
Civil, Mechanical,  
Plumbing, Structural  
and Environmental

**BAZIKIAN**  
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ENGINEERS  
701 BURNT MILLS COURT, SILVER SPRING, MD 20901  
TEL. (301) 583 8755 . FAX (301) 583 0059  
INFO@BAZIKIAN.COM

REZONING APPLICATION PLAT

**RASHIDIAN ESTATES**

100 CENTRAL AVENUE  
GAITHERSBURG, MD 20877



GENERAL NOTES:

1. ALL PERIMETERS, PAVING EDGES AND ISLANDS SHALL BE CURBED
2. CURBS, GUTTERS, SIDEWALKS AND PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO PROVIDE POSITIVE DRAINAGE OF ALL AREAS SO THERE IS NO ACCUMULATION OF SURFACE WATER
3. ALL PAVING, STORM DRAINAGE, UTILITIES AND IMPROVEMENTS ON THIS PARCEL IS PRIVATE AND THE MAINTENANCE IS THE RESPONSIBILITY OF THE OWNER.

PENGAD-Beyonne, H. J.  
**JOINT EXHIBIT**  
2-298  
11-15-04

R-2

PHASE 2  
REQUEST FOR  
RESONING TO CD  
  
SHEET 2 OF 2



**BAZIKIAN**  
CONSULTANTS, LTD.  
ENGINEERS  
701 BURNETT HILLS COURT, SILVER SPRING, MD 20901  
TEL. (301) 583-8755 • FAX (301) 583-0350  
INFO@BAZIKIAN.COM

RESONING APPLICATION PLAT

**RASHIDIAN ESTATES**  
100 CENTRAL AVENUE  
GAITHERSBURG, MD 20877